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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

YESICA MARIBEL CAMBERO,

Defendant and Appellant.

B299560

(Los Angeles County  
Super. Ct. No. KA066113)

APPEAL from an order of the Superior Court of Los Angeles County, Stacy Wiese, Judge. Affirmed.

John A. Colucci, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Appellant Yesica Maribel Cambero appeals the trial court's order denying her request for a transfer hearing pursuant to Proposition 57, the Public Safety and Rehabilitation Act of 2016 (Proposition 57). We affirm the court's order.

#### FACTUAL AND PROCEDURAL BACKGROUND<sup>1</sup>

In April 2004, Cambero and codefendant Daniel Rodriguez, both members of the Valinda Flats gang, drove in a stolen van to the home of 16-year-old Isauro R., who was at that time associated with a rival gang. Rodriguez exited the van, fired a revolver at Isauro, followed him into the backyard, and shot him in the face, stomach, buttocks, back, and groin. Isauro survived the attack.

Cambero's case was filed in adult court. A jury convicted her and Rodriguez of willful, deliberate, and premeditated attempted murder committed for the benefit of a criminal street gang. (Pen. Code, §§ 664,<sup>2</sup> 187, subd. (a), 186.22, subd. (b).) It also found true that Rodriguez, and a principal, personally and intentionally discharged a firearm, causing great bodily injury. (§ 12022.53, subds. (d), (e)(1).) The jury further convicted Cambero of driving a vehicle without the owner's consent. (Veh. Code, § 10851, subd. (a).) The trial court sentenced Cambero to 40 years to life in prison. At the time of the offenses and trial, Cambero was 17 years old. We affirmed Cambero's convictions and modified her sentence in 2006. (*People v. Cambero*, *supra*, B180030.)

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<sup>1</sup> We derive the facts from our opinion in Cambero's direct appeal, of which we take judicial notice. (*People v. Cambero* (May 15, 2006, B180030) (nonpub.); Evid. Code, §§ 452, subd. (d), 459.)

<sup>2</sup> All further undesignated statutory references are to the Penal Code.

On June 25, 2019, Cambero filed a motion in the trial court, requesting a transfer hearing pursuant to Proposition 57. On July 16, 2019, the trial court denied the petition, concluding that Proposition 57 does not apply to final judgments.

Cambero timely appealed.

### DISCUSSION

After review of the record, Cambero's court-appointed counsel filed an opening brief that raised no issues, and requested that this court conduct an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Appellant was advised that she had 30 days to submit by brief or letter any contentions or argument she wished this court to consider. We have received no response.

Effective November 9, 2016, the electorate passed Proposition 57. (*People v. Superior Court (Lara)* (2018) 4 Cal.5th 299, 304; *People v. Federico* (2020) 50 Cal.App.5th 318, 324.) Under Proposition 57, a criminal action against a juvenile must be commenced in juvenile court. If the prosecution wishes to try the matter in adult court, the juvenile court must conduct a transfer hearing to determine whether the matter should remain in juvenile court or may be tried in adult court. "Only if the juvenile court transfers the matter to adult court can the juvenile be tried and sentenced as an adult." (*Lara*, at p. 303.) Proposition 57 applies retroactively to all juveniles charged directly in adult court whose judgments were not yet final when it was enacted. (*Lara*, at pp. 303–304; *People v. Federico*, at p. 324.) However, Proposition 57 does not apply where a juvenile's conviction was final prior to its effective date. (*People v. Federico*, at pp. 325–326.)

Here, Cambero was convicted by a jury in November 2004. This court affirmed Cambero's conviction and sentence in May 2006. (*People v. Cambero, supra*, B180030.) The California Supreme Court denied review in September 2006, and the remittitur issued on September 28, 2006. Accordingly, Cambero's judgment was final long before Proposition 57 went into effect in November 2016. Consequently, Proposition 57 does not apply retroactively to her. (*People v. Federico, supra*, 50 Cal.App.5th at p. 325.)

We have examined the record, and are satisfied no arguable issues exist and Cambero's attorney has fully complied with the responsibilities of counsel. (*People v. Kelly* (2006) 40 Cal.4th 106, 126; *People v. Wende, supra*, 25 Cal.3d at pp. 441–442.)

DISPOSITION

The order is affirmed.

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EDMON, P. J.

We concur:

EGERTON, J.

DHANIDINA, J.